

REMARKS

This Amendment is filed in response to the Office Action mailed on May 18, 2005. All objections and rejections are respectfully traversed.

Claims 1-22 are in the case.

Claim 22 was amended to better claim the invention.

No new claims were added.

At Paragraph 2 of the Office Action The IDS filed on March 1, 2002 was accepted.

At Paragraph 3 of the Office Action the drawings were objected to. A corrected drawing marked in red, along with a corrected formal drawing of Claim 1 is enclosed herewith. Correction of the drawings is believed to satisfy this objection.

At Paragraphs 4-5 of the Office Action Claim 22 was rejected under 35 U.S.C. 112 second paragraph. Amendment of Claim 22 is believed to satisfy this objection.

At Paragraphs 6-7 of the Office Action Claims 1-22 were rejected under 35 U.S.C. 102 (b) as being anticipated by Modi et al. U. S. Patent No. 6,587,866 B1 issued July 1, 2003 (hereinafter Modi).

The present invention, as set forth in independent claim 1, comprises in part:

1. A method for selecting a coprocessor from a plurality of coprocessors to process a packet of a predetermined size, the method comprising the steps of:

determining a cost associated with the packet, the cost representing a load associated with processing the packet;

determining an anticipated load for each coprocessor in the plurality of coprocessors using the cost; and

selecting the coprocessor from the plurality of coprocessors based on the anticipated load.

Modi discloses a load balancing scheme which makes use of a load balancing policy. At Col. 6 lines 2-5 Modi states:

“There may be various types of non-affinity policies, such as a weighted or round robin load balancing policy. The weights may specify that a certain percentage of traffic is sent to a certain node.”

Further, at Col. 9 lines 28-32 Modi states:

“In the preferred embodiment of the invention, load balancing policy weights are initially set at a default of equal weighting for each node. The weights may be set differently later at step 508.”

Further, at Col 9 lines 49-53 Modi states:

“and setting load balancing policy weights 306 for the service group to change the balance between the nodes from the default setting (step 508). Note that a particular load balancing policy can specify weights for the particular server nodes.”

Applicant respectfully urges that Modi is silent concerning Applicant's novel

determining a cost associated with the packet, the cost representing a load associated with processing the packet;
determining an anticipated load for each coprocessor in the plurality of coprocessors using the cost; and
selecting the coprocessor from the plurality of coprocessors based on the anticipated load

That is, Modi is silent concerning Applicant's claimed novel *determining a cost associated with the packet . . . determining an anticipated load for each coprocessor in the plurality of coprocessors using the cost . . . selecting the coprocessor from the plurality of coprocessors based on the anticipated load*.

Accordingly, Applicant respectfully urges that Modi is legally precluded from anticipating Applicant's claimed novel invention under 35 U.S.C. 102 (b) because of the absence from Modi of any disclosure of Applicant's claimed novel

determining a cost associated with the packet, the cost representing a load associated with processing the packet;
determining an anticipated load for each coprocessor in the plurality of coprocessors using the cost; and

selecting the coprocessor from the plurality of coprocessors based on the anticipated load

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims are therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


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